

IN THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

*In the Matter of the General
Determination of All the Rights to the Use
of Water, Both Surface and Underground,
Within the Drainage Area of the Utah Lake
and Jordan River in Utah, Salt Lake, Davis,
Summit, Wasatch, Sanpete and Juab
Counties in Utah*

General Case File

**SPECIAL MASTER’S
STANDING ORDER NO. 4**
(ON FORM OF OBJECTIONS FILED
AFTER JUNE 28, 2016)

Civil No. 360057298

Rick L. Knuth, Special Master

The Special Master, acting *sua sponte*, issues this Standing Order No. 4 (On Form of Objections Filed After June 28, 2016):

1. For purposes of this Order, an “Objection Proceeding” shall include an objection to any Proposed Determination of the State Engineer, within the meaning of Utah Code Ann. Sections 73-4-11 and 73-4-9.5 (each, an “Objection”).
2. The provisions of this Order have no application to Objections to Lists of Unclaimed Rights, which are the subject of the Special Master’s Standing Order No. 2. Instead, the provisions of this Order apply only to Objections to a Proposed Determination filed after June 28, 2016, which are the subject of the Special Master’s First Amended and Restated Standing Order No. 3 for commencement of an objection proceeding.
3. Although neither the Utah Supreme Court nor the Utah State Legislature has specifically addressed the form of an Objection in a general determination of water rights, the Utah Supreme Court held in *Huntsville Irrigation Association v. District Court of*

Weber County that objections¹ filed in a general adjudication “constitute pleadings.” 270 P. 1090, 1094 (Utah 1928).

4. The only “pleadings” allowed by the Utah Rules of Civil Procedure are complaints (including third-party complaints), answers (including answers to counterclaims, crossclaims, and third-party complaints), and replies to answers (if ordered by court). *See* Utah R. Civ. P. 7(a).

5. In the Order of Reference appointing the Special Master, the Court granted the Special Master the power to “[a]ctively manag[e] the objections.” *See* Amended Order Appointing a Master and Order of Reference in the Utah Lake and Jordan River General Adjudication, dated September 17, 2017, at 2. Further, Rule 53(c) of the Utah Rules of Civil Procedure grants the Special Master “the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order [of reference].

6. Utah Rule of Civil Procedure 8 requires a “short and plain” presentation of a claim for relief.

7. In the absence of further instruction from the Supreme Court, and to facilitate an orderly and uniform presentation of Objections to Proposed Determinations, the Special Master has determined that Rule 8 of the Utah Rules of Civil Procedure shall govern all Objections subject to this Order. Further, the Special Master has created a Standard Form of Objection attached hereto as Exhibit “A” for Objection Proceedings commenced after June 28, 2016.

¹ The Supreme Court actually held that “protests” constitute pleadings. *Huntsville*, 270 P. 1090, 1094. However, in discussing general adjudications, the Supreme Court uses “objection” and “protests” interchangeably. *See id.*; *Jensen v. Morgan*, 844 P.2d 287, 290 (Utah 1992).

8. Objections filed after the date of this Order which conform to this Standard Form of Objection will be deemed an adequate pleading. Nothing in this Order should be construed to invalidate any different form of Objection otherwise conforming to Rule 8 of the Utah Rules of Civil Procedure.

SO ORDERED this 7th day of October, 2019.

By: /s/ Rick L. Knuth
Rick L. Knuth
Special Master

EXHIBIT A
Form of Objection
[Attached]

IN THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

In the Matter of the General
Determination of All the Rights to the Use
of Water, Both Surface and Underground,
Within the Drainage Area of the Utah Lake
and Jordan River in Utah, Salt Lake,
Davis, Summit, Wasatch, Sanpete and
Juab Counties in Utah

_____ *Subdivision, Book No.* _____

_____, *Objector*

**OBJECTION TO PROPOSED
DETERMINATION**

Civil No. 36 _____

(Judge Laura Scott)

Rick L. Knuth, Special Master

THE UNDERSIGNED hereby objects to the State Engineer's Proposed Determination for the above-captioned Subdivision and Book. In support of this Objection, Objector states the following:

A. Contact Information for the Objector and/or the Objector's Attorney:

I do not currently have an attorney, but I intend to employ an attorney who will make an appearance on my behalf at a later time; *or* I intend to represent myself in this Objection Proceeding. I can be reached at the following contact information:

Name: _____

Address: _____

Telephone: _____

Email: _____

I am an attorney, who is representing the Objector, and can be reached at the contact information below:

Attorney:

Name/Bar No.: _____

Address: _____

Telephone: _____

Email: _____

Appearing
on behalf of: _____

B. The Objector claims to have an interest in the follow Water Right Number(s):

C. The Objector objects to the following elements or general provisions, as recommended in the Proposed Determination, for Water Right Number _____:²

1. Name of Owner
Should be: _____
2. Source
Should be: _____
3. Quantity/Flow
Should be: _____
4. Priority Date
Should be: _____
5. Point of Diversion
Should be: _____
6. Purpose of Use
Should be: _____
7. Period of Use
Should be: _____
8. Place of Use:
Should be: _____
9. Supplemental Water Rights/Water Use Groups:
Should be: _____
10. Other Comments (from Proposed Determination):
Should be: _____
11. Should be removed from the list of forfeited, disallowed, or invalid rights.
12. Other/General: _____

² For each Water Right No. to which you are objecting, fill out an additional page for paragraphs C and D and attach the pages hereto.

